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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,123	06/15/2001	Licheng Zeng	WDUMR-022US	8259

7590 02/22/2007
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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

SHORTENED-STATUTORY PERIOD OF-RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/883,123	ZENG, LICHENG	
	Examiner	Art Unit	
	Sam Rimell	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2164

Preliminary Note: This office action is made non-final.

Claims to Priority: This application contains a filing date of June 15, 2001 and claim to priority of an Australian Application filed May 18, 2000. Since 35 USC 119(a) permits claims to priority extending back only one year, the claim to priority cannot be valid under 35 USC 119(a). Accordingly, the declaration is defective since it incorrectly claims priority to an application which is not apparently entitled to such priority. Applicant is required to submit a revised declaration either deleting the priority claim or indicating the priority is not claimed. Applicant is also required to delete references to priority claims in the specification. The revised declaration and amendment to the specification are required in response to this office action.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter; or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 43 and 44 are rejected under 35 U.S.C. 101 because the claimed invention is non-statutory.

Claims 1, 43 and 44: Each of claims 1, 43 and 44 refer to "a portion of the knowledge base stored upon said computer readable medium". Such a feature produces intangible results, since all the portions of the knowledge base not stored on the computer readable medium are intangible. The claimed invention must produce a useful, concrete and tangible result, as defined by *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: The preamble calls for “parsing unstructured and partially structured name and address data”. There are no structures or encoded instructions within the claim for this functionality to be realized.

Part (a) of claim 1 refers to “knowledge base analyses”, whereas there are no structures or encoded functions within claim 1 which permit this functionality to be realized.

Part (b) refers to “systematic functional linguistic theory” which is vague and indefinite since it cannot be determined precisely what theory is encompassed by this statement.

Part (e) refers to “a portion of the knowledge base stored on computer readable media”. It is not clear which portion is stored on the media and which portion is not on the media.

Claims 43: The preamble calls for “parsing unstructured and partially structured name and address data”. There are no structures or encoded instructions within the claim for this functionality to be realized.

Part (a) of claim 43 refers to “knowledge base analyzing”, whereas there are no structures or encoded functions within claim 43 which permit this functionality to be realized.

Part (b) refers to “systematic functional linguistic theory” which is vague and indefinite since it cannot be determined precisely what theory is encompassed by this statement.

Part (d) refers to “a portion of the knowledge base stored on computer readable media”. It is not clear which portion is stored on the media and which portion is not on the media.

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Part (f) refers to multiple parsing steps, whereas there are no structures or encoded instructions which permit this functionality to be realized.

Claim 44: The preamble calls for “parsing unstructured and partially structured name and address data”. There are no structures or encoded instructions within the claim for this functionality to be realized.

Part (a) of claim 44 refers to “configured to analyze”, whereas there are no structures or encoded functions within claim 44 which permit this functionality to be realized.

Part (b) refers to “systematic functional linguistic theory” which is vague and indefinite since it cannot be determined precisely what theory is encompassed by this statement.

Part (d) refers to “a portion of the knowledge base stored on computer readable media”. It is not clear which portion is stored on the media and which portion is not on the media.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujisawa et al. (U.S. Patent 6,182,062).

Claim 1: No patentable weight is attributed to actions of parsing or consulting an inference engine defined in the first paragraph of claim 1 since these are intended usages of the system rather than physical features of the system (MPEP 2106, Section C).

FIG. 1 illustrates the components of a knowledge base program. The knowledge base analyzes data (components 503 and 504) using at least lexico-grammatical analysis (see lexical analysis unit 503). The techniques of orthographic, semantic and contextual predefined analysis are optionally recited (due to the phrase “one of” in part (a)) and thus carry no patentable weight.

The knowledge base uses a knowledge representation language (computer programming) which embodies systematic functional linguistic theory (syntax rules in the grammar file: col. 16, lines 54-56). The knowledge base builds representations of data (output text: FIG. 27) including a form from at least one language (English). The recitation of scripts from multiple countries is an optional recitation carrying no patentable weight (see the phrase “selected from” in part (B)).

The knowledge base includes a knowledge representation layer (words 501), a knowledge base management layer (lexical analysis unit 503), a language inference layer (syntactic analysis unit 504) and a language programming interface (input unit 502). The output produced from the input is the body of executable knowledge.

Claim 43: See remarks for claim 1. No patentable weight is attributable to the features of part (F), for the same reason that no patentable weight is attributable to first paragraph of claim 1.

Claim 44: See remarks for claim 1.

Remarks

Applicant's arguments are moot in light of the new grounds of rejection. This action is made non-final.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell
Primary Examiner
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